

ELEMENT 3: LEGAL AUTHORITY

This chapter describes the legal authority, through sewer use ordinances, services agreement and other legally binding procedures, to implement the SSMP plans to:

- Control infiltration/inflow (I/I) from satellite wastewater collection systems and laterals
- Require proper design and construction of new and rehabilitated sewers and connections
- Require proper installation, testing, and inspection of new and rehabilitated sewers

Applicable ordinances pertinent to sanitary sewer include Chapter 15.12 Sewers, Chapter 15.14 Sewer Use Regulations, Chapter 15.16 Sewer Connection and Storm Drainage, and Chapter 15.17 Sanitary Sewer Extension Program of the San Jose Municipal Code (SJMC) Ordinance 27626 (adopted 12-13-05).

Authority for control of infiltration/inflow (I/I) from satellite wastewater collection systems and laterals was described under Chapter 15.14 Sewer Use Regulations of the SJMC Ordinance 27626. The primary responsibility for enforcement of the provisions of Chapter 15.14 shall be vested in the director of environmental services. The regulations include permit requirements and conditions, limitation on point of discharge to a city-approved sewer connection; inspection, sampling and flow measurement of the building sewer through monitoring facilities; prohibition of any storm water, surface water or roof runoff to be discharged into the sanitary sewer system; restriction on groundwater or subsurface water to be discharged into the sanitary sewer system without a wastewater discharge permit issued by the director; and requirement of filing of discharge report. For non-compliances or violations, Chapter 15.14 also describes termination of service and permit revocation; correction of violations; and Civil penalties.

City of San Jose Standard Specifications (adopted in 1992) for Public Works Construction is issued by the Department of Public Works. The Drainage and Sewer Facilities element of the Standard Specifications provides specifications for the construction of new and rehabilitated sewers and lateral connections.

For private development or subdivision, under Title 19 Subdivision, Section 19.32.050 Sanitary Sewer Facilities (Ordinance 26386) of Chapter 19.32 Improvements and Fees in the SJMC describes the requirements for sewer facility installation by subdivider. Such sanitary sewer facilities either within or outside the subdivision shall be installed within easement and shall conform to those described in the standard specifications applicable at the time of approval of the tentative map, and shall be installed in accordance with the standard specifications applicable at the time of approval of the tentative map, in the specific locations shown on and in accordance with the plans which are approved by the city engineer for the subdivision.

City of San Jose Ordinance 24800

Chapter 15.14 of the San Jose Municipal Code (SJMC) establishes the City and ESD's legal authority to regulate domestic, commercial, and industrial discharge to the sanitary sewer system. The sections included here describe San Jose's ability to regulate the discharge of substances that can cause or contribute to blockages of the sanitary sewer system. A full electronic copy of the SJMC is available online at <http://www.sanjoseca.gov/>.

The following excerpts are from SJMC Chapter 15.14 and are applicable to the SSMP:

SJMC 15.14.110 Purpose of Chapter

The purpose of this Chapter is to:

- A. Provide for and regulate the disposal of Sanitary Sewage into the Sanitary Sewer System of the City in such manner and to such extent as is reasonably necessary to maintain and increase the ability of the Sanitary Sewer System to handle and dispose of Sanitary Sewage;
- B. Provide for and regulate the disposal of Industrial Wastes into the Sanitary Sewer System of the City in such manner and to such extent as may be reasonably necessary to maintain and increase the ability of such system to handle and dispose of industrial waste without decreasing the ability of said system to handle and dispose of all Sanitary Sewage;
- C. Prevent the introduction of pollutants into the Sanitary Sewer System which will pass through the treatment works of the San Jose/Santa Clara Water Pollution Control Plant or other wise be incompatible with such works or interfere with the ability of the Plant to treat, discharge and recycle wastewater, or to use or dispose of Plant biosolids;
- D. Improve opportunities to recycle and reclaim treated effluent and wastewater sludge;
- E. Protect the physical structures of the Sanitary Sewer System and the efficient functioning of its component parts;
- F. Protect the City and its personnel, and preserve and protect the health, safety and comfort of the public;
- G. To enable the City to comply with all applicable and compatible laws, rules, regulations and orders of the State of California and of the United States;
- H. Provide for the charging and collection of various fees and other charges reasonably necessary for the acquisition, construction, reconstruction, maintenance and operation of the Sanitary Sewer System of the City of San Jose;
- I. Protect the environmental health of San Francisco Bay.

SJMC 15.14.130 Responsibility for Enforcement

The primary responsibility for enforcement of the provisions of this chapter shall be vested in the director of environmental services.

SJMC 15.14.280 Grease

"Grease" means ether-soluble matter, and shall include each of the following two types:

- A. Dispersed grease, which means grease which is not floatable grease;

- B. Floatable grease, which means grease which floats on the surface of quiescent sewage water or other liquid or which floats when mixed or added to water.

SJMC 15.14.310 Industrial User

“Industrial user” means any nonresidential user that discharges industrial wastes to the sanitary sewer system.

Discharge into storm drain prohibited.

It shall be unlawful to discharge any sewage, industrial waste or other polluted waters into any storm drain or natural outlet or channel without a valid National Pollutant Discharge Elimination System (NPDES) permit.

SJMC 15.14.315 Industrial Wastes

“Industrial Wastes” means the wastes from producing, manufacturing and processing operations of every kind and nature.

SJMC 15.14.510 Limitations on Point of Discharge

No person shall discharge any substances directly into a manhole or other opening in a City Sewer, other than through a City-approved sewer connection.

SJMC 15.14.515 Discharge Into Storm Drain Prohibited

It shall be unlawful to discharge any sewage, industrial waste or other polluted waters into any storm drain or natural outlet or channel without a valid National Pollutant Discharge Elimination System (NPDES) permit.

SJMC 15.14.520 Regulation of Trucked or Hauled Waste

No person shall discharge, cause, allow or permit any Trucked or Hauled Waste to be discharged into the Sanitary Sewer System, except at a site specifically designated in a Wastewater Discharge Permit issued pursuant to this Chapter or a receiving station permit issued pursuant to Chapter 9.10 of this Code.

SJMC 15.14.530 Protection From Accidental Discharge

- A. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter into either the storm sewer or sanitary sewer systems.
- B. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's expense.
- C. All industrial users shall notify the environmental services department by telephone immediately upon accidentally discharging wastes of reportable quantities as determined in 40 CFR 117 to enable countermeasures to be taken by the city to minimize damage to the sanitary sewer system, plant, treatment processes, and the receiving waters.
- D. Telephone notification shall be followed, within five days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.
- E. Notification to the city will not relieve users of notification requirements under any other federal, state or local law, nor of liability for any expense, loss, or damage to the sanitary sewer system, plant, or treatment process, or receiving waters or for any fines

or penalties imposed on the city on account thereof under applicable provisions of state or federal law.

SJMC 15.14.535 Pretreatment by Owner

Each owner of private premises shall, at the owner's own expense, provide such treatment or take such other measures, as the director may require to reduce objectionable characteristics, contents, or rate of discharge of waters or wastes being deposited in the sanitary sewer system, to prevent damage to or interference with the sanitary sewer system.

SJMC 15.14.550 Obstructing or Injurious Substances

No person shall discharge, cause, allow, or permit to be discharged, thrown, or deposited into the sanitary sewer system or any part thereof, or into any plumbing fixture or private sewer or drain connected either directly or indirectly to the sanitary sewer system, any substance of any kind whatsoever tending to obstruct or injure the sanitary sewer system, or to cause a nuisance or hazard, or which will in any manner interfere with the proper operation or maintenance of the sanitary sewer system.

SJMC 15.14.565 Grease, Oils, Fats

No person shall discharge, cause, allow, or permit to be discharged into the sanitary sewer system any liquid or other waste containing floatable and/or dispersed grease, vegetable oil, petroleum oil, nonbiodegradable cutting oil, or fat, oil, or grease or products of animal, vegetable or mineral origin, in excess of one hundred fifty parts per million by weight.

SJMC 15.14.630 Oil and Grease Removal Devices

- A. Any type of business or establishment where grease or other objectionable materials may be discharged into a public or private sewage main or disposal system shall have a grease removal device of a size and design approved by the director.
- B. Each grease removal device shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of grease.
- C. The grease removal device should be situated on the discharger's premises but when such a location would be impractical or cause undue hardship on the discharger, the city may issue an encroachment permit to allow the device to be installed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- D. Waste discharged from fixtures and equipment in establishments which may contain grease or other objectionable materials including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the grease removal device when approved by the director provided, however, that toilets, urinals, wash basins, and other fixtures containing fecal material shall not flow through the grease removal device.
- E. Grease removal devices shall be maintained in efficient operating condition by periodic removal of the accumulated grease. The use of chemicals to dissolve grease is specifically prohibited. No accumulated grease shall be introduced into any

drainage piping or public or private sewer. Users with oil and grease removal devices must maintain them in good operating condition at all times.

- F. The discharger must develop and maintain a record of periodic maintenance and pumping of the removal device, which records are to be retained for a period of not less than three years.
- G. Pumping must be sufficiently frequent to prevent objectionable odors, surcharge of the removal device, or interference with the operation of the sanitary sewer system.
- H. Abandoned grease removal devices shall be emptied and filled as required for abandoned septic tanks.

SJMC 15.14.690 Power to Inspect

- A. The director and other duly authorized employees and agents of the city bearing credentials and identification shall have the right to access upon all properties for the purpose of inspecting any sewer or storm drain connection, including all discharge connections of roof and surface drains and plumbing fixtures; inspecting, observing, measuring, photographing, sampling, and testing the quality, consistency, and characteristics of sewage and industrial wastewaters being discharged into any public sewer or natural outlet; and inspecting and copying any records relating to quantity and quality of wastewater discharges, including but not limited to water usage and effluent discharged, chemical usage, and hazardous waste records.
- B. The director may terminate service or revoke the permit of any person who has discharged wastewater to the sanitary sewer system and has unreasonably refused access to the city.

SJMC 15.14.715 Correction of Violations; Collection of Costs; Injunction

- A. The City may abate any violation of this Chapter.
- B. The cost of such abatement may be added to the Sewer service charge of the owner or tenant of the property upon which the violation occurred, and the City shall have all available remedies for the collection of such costs as it has for the collection of Sewer service charges.

SJMC 15.14.720 Civil Penalties

Any person who intentionally or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the City in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, up to twenty-five thousand dollars (\$25,000) for the second day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.

SJ Municipal Codes Enforcement

ESD's Watershed Protection Division inspectors issue Administrative Citations as an enforcement tool for the following municipal codes, with the amount of the fine shown.

City of San Jose
Sewer System Management Plan

Section	Violation	Admin. Citation Fine
15.14.510	Limitations on Point of Discharge	\$500.00
15.14.515	Discharge into Storm Drain Prohibited	\$500.00
15.14.520	Regulation of Trucked or Hauled Waste	\$500.00
15.14.530	Protection from accidental discharge	\$500.00
15.14.535	Pretreatment by owner	\$500.00
15.14.550	Obstructing or Injurious Substances	\$500.00
15.14.565	Grease, Oils, Fats	\$500.00
15.14.630	Oil and Grease Removal Devices	\$500.00